

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 5-10, 12, 15-17, 20, 23, 26, 29, 32, 34, 35, and 37-54 are presently active in the reissue patent application. Claims 1-4, 11, 13-14, 18-19, 21-22, 24-25, 27-28, 30, 31, 33, and 36 have been cancelled, Claims 5-10, 12, 15-17, 20, 29, 32, 34, and 35 have been amended from the issued claims, and Claims 39-54 have been added to the original claim set.

In the outstanding Office Action, Claims 5-10, 12, 15-17, 20, 23, 26, 29, 32, 34, 35, and 37-54 were rejected as being based upon a defective reissue oath. The new claims filed in the application were objected for not being underscored. The Office Action noted that the original patent was not surrendered. The Office Action advised that all the references cited in the original patent needed to be furnished.

Firstly, Applicants respectfully submit that the reissue oath was not defective. M.P.E.P. § 1414 only requires that the Applicant specify one of the errors upon which reissue is based: "Where applicant specifies one such error, this requirement of a reissue oath/declaration is satisfied." The filed Declaration specified the error in Claim 39. Indeed, Examiner Hsu acknowledged this point in a telephone conversation with Applicants' representative on December 7, 2005.

Secondly, the present amendment denotes the new claims with underscoring.

Thirdly, M.P.E.P. § 1416 indicates that it is not necessary to surrender the original patent or provide a statement to the effect that the original is lost or inaccessible in order for an examination on the merits to proceed. Accordingly, Applicants request that this requirement be held in abeyance until allowance is in order.

Fourthly, submitted herewith is a comprehensive Information Disclosure Statement for the Examiner's consideration. The Information Disclosure Statement brings to the

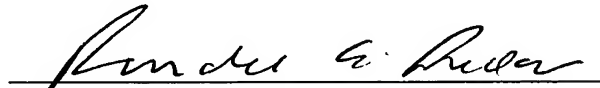
examiner's attention, among other items, documents from a pending litigation in a related patent and the fact that prosecution of related application U.S. Serial No. 10/437,059 has been suspended due to the ongoing litigation.

Lastly, the changes depicted here do not differ in substance from the originally filed reissue claims. Thus, the Status of Claims and Support for Claim Changes filed July 30, 2005 are appropriate for the present amendment as well.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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